

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ETS MIR LLC, a South Dakota limited liability	:
company, a/k/a Etablissement MIR,	:
	:
Plaintiff,	:
	:
-against-	:
	:
PETROCI HOLDING CÔTE D'IVOIRE, a/k/a	:
NATIONAL OIL COMPANY OF CÔTE D'IVOIRE	:
and VAMISSA BAMBA, individually,	:
	:
Defendant.	:
----- X	

Case No. 1:22-cv-10228 (JPO)

**DECLARATION OF  
MICHEL BAYERON**

I, Michel BAYERON, declare as follows:

1. My name is Michel Bayeron, and I make this Declaration based upon my own knowledge and in accordance with the law applicable to the Republic of Côte d'Ivoire.

2. I respectfully submit this Declaration in support of defendant Vamissa Bamba's motion to dismiss the Second Amended Complaint.

**Background**

3. I am attorney at law admitted, at the Bar of Paris, France and of the Bar of Abidjan, Ivory Coast, with my offices in Paris, France. I practice in the fields of French and the Republic of Côte d'Ivoire's commercial laws, as well as public laws, including matters involving conflicts of laws between the Republic of Côte d'Ivoire and the laws of other jurisdictions.

4. I am a registered attorney at the Paris Bar since 2012, and a registered legal advisor in the Republic of Côte d'Ivoire since 2021. I hold the equivalent of a PhD degree ("Doctorat") in Public Law from the University of Paris 1 Panthéon-Sorbonne. I am a former member of the Economic and Social Council of the city of Issy les Moulineaux (France) and I

have participated in several missions in Africa within the framework of the European Commission. I am also the author of a book, published in 2011, on the “Rule of law and constitutionalism in Africa. The example of the Republic of Côte d’Ivoire”.

5. I make this declaration to explain to the Court two aspects of the law of Côte d’Ivoire: (a) jurisdiction over civil claims; and (b) the laws regarding service of process in civil cases.

### **Jurisdiction**

6. Côte d’Ivoire’s legal system is based on the French civil code tradition and French is its official language under Article 29 of the Constitution. A copy of the Constitution of the Republic of Côte d’Ivoire is annexed as Exhibit 1.

7. I have reviewed the claims in the Amended Complaint filed in this case and, in my opinion, the courts of Côte d’Ivoire would have jurisdiction over them. The law of Côte d’Ivoire allows for claims for libel and libel against a citizen of Côte d’Ivoire.

8. Article 15 of the civil Code provides that the Courts of Côte d’Ivoire have jurisdiction over citizens of Côte d’Ivoire even for obligations undertook in a foreign country towards a foreign citizen, and this applies to matters of defamation or libel. A copy of Civil Code Section 15 is annexed as Exhibit 2.

### **Service of Process**

9. Service for civil cases in Côte d’Ivoire Service is governed by Articles 247 and 255 of the Code of Civil Procedure. Article 247 states that “The judicial officer must, at all times, endeavor to deliver the writ of summons to the person concerned. He must, in all cases, mention on the writ his diligences as well as the answers given to his various interpellations”

10. Furthermore, Article 255 of the Code of Civil Procedure provides that delivery of

writs are assigned:

- a. the State in accordance with the regulatory provisions in force;
- b. public establishments, State-owned and mixed companies at their offices, in the person of the head of department;
- c. the townships in the person or at the home of the mayor, his deputies or the secretary general;
- d. commercial companies, until their final liquidation, at their registered office and, if there are none, in the person or at the domicile of their shareholders ;
- e. unions of creditors in the person or at the domicile of one of the trustees;
- f. private legal persons, other than trading companies, in the person of their representative

A copy of the statute is annexed as Exhibit 3.

11. I understand that, in this case, the service was rendered to Mr. Bamba by providing documents, without a French translation, to a colleague at his place of work and not to a department head as indicated in the act. This method of service is not permitted in Ivorian law because: (a) no French translation has been provided; and (b) Mr. Bamba has not been served in person at his residence.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15 day of September 2023 in Paris, FRANCE.

By:

MICHEL BAYERON

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